

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

DALE P. FIELD, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00147

STATE OF WEST VIRGINIA, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter was removed to the United States District Court for the Southern District of West Virginia on February 20, 2020. Currently before the Court are the Plaintiff's *Motion to Remand* (Document 8) filed March 18, 2020, the Plaintiff's *Amended Complaint* (Document 18) filed April 15, 2020, and the *Defendants' Motion to Dismiss* (Document 19) filed April 27, 2020.


By *Administrative Order* (Document 2) entered on February 24, 2020, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On December 16, 2020, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 28) wherein it is recommended that this Court deny the Plaintiff's *Motion to Remand*, grant the *Defendants' Motion to Dismiss*, and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by January 4, 2021.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's *Motion to Remand* (Document 8) be **DENIED**, the *Defendants' Motion to Dismiss* (Document 19) be **GRANTED**, the Plaintiff's *Amended Complaint* (Document 18) be **DISMISSED**; and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: January 8, 2021


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA